

**REMARKS**

Claims 1, 2, 4, 5, and 9 are pending in this application, of which claim 1 is independent. In this Amendment, claim 1 has been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendments to the claims can be found in, for example, Fig. 3 and relevant description of the specification.

A Request for Continued Examination is filed concurrently with this Amendment.

**Claim Rejection under 35 U.S.C. § 103(a)**

Claims 1, 2, 4, 5, and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over De Poorter (U.S. Patent No., 5,578,863, hereinafter “De Poorter”) in view of Onomura, et al. (U.S. Patent No., 2002/10039374, hereinafter “Onomura”) and M. Takeya et al. (“High-Power AlGaIn lasers for Blu-ray Disc System” PROC of SPIE, vol. 4995, pgs. 117-122, January 2003, hereinafter “Takeya”).

In paragraph 10 of the Office Action, the Examiner pointed out that “the features upon which applicant relies (i.e., having a MTTF of 3,000 hours or more by controlling an oxygen concentration) are not recited in the rejected claim(s).” In response, claim 1 has been amended to recite “the semiconductor laser device has a MTTF of 3,000 hours or more at 70°C by controlling an oxygen concentration,” based on, for example, Fig. 3 of the present application.

De Poorter, Onomura, and Takeya, individually or in combination, do not disclose or suggest a semiconductor laser device including all the limitations recited in independent claim 1. Specifically, the applied combination of the references does not teach, among other things, that “an atmospheric gas inside the package is a mixture gas containing oxygen and nitrogen, with an

oxygen content of more than 20%, and the semiconductor laser device has a MTTF of 3,000 hours or more at 70°C by controlling an oxygen concentration,” as recited in claim 1.

Applicants emphasize that simply applying Takeya to De Poorter and Onomura do not arrive at the claimed subject matter. Takeya discloses achieving an MTTF of 5,000 hours “by optimizing the position of the Mg-doped layer and introducing an undoped AlGa<sub>N</sub> layer between the active layer and the Mg-doped electron-blocking layer” (Abstract). In contrast, claim 1 recites having an MTTF of 3,000 hours or more by using a mixture gas containing oxygen and nitrogen as an atmospheric gas inside the package with an oxygen content more than 20%. Takeya does not teach or suggest such a concentration of oxygen inside a package, i.e., does not teach achieving the MTTF of 5,000 hours at least under the claimed oxygen concentration. Even in this Office Action, however, the Examiner did not provide any evidential support as to why and how modifying De Poorter and Onomura based on the teachings of Takeya can achieve the MTTF of 5,000 hours under the claimed oxygen concentration. De Poorter and Onomura do not teach achieving an MTTF of 3,000 hours **by controlling an oxygen concentration**. **Nor does Takeya teach controlling an oxygen concentration to achieve MTTF of 5,000 hours**.

Based on the foregoing, De Poorter, Onomura, and Takeya, individually or in combination, do not disclose or suggest a semiconductor laser device including all the limitations recited in independent claim 1. Dependent claims 2, 4, 5, and 9 are also patentably distinguishable over De Poorter, Onomura, and Takeya at least because these claims respectively include all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims under 35 U.S.C. § 103(a), and favorable consideration thereof.

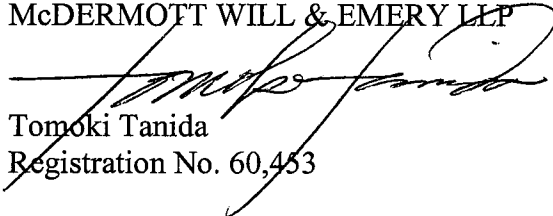
**Conclusion**

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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